

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

_____	X	
AUSET LOVE	:	COMPLAINT
	:	
Plaintiff	:	Index No:
	:	
vs.	:	
	:	
JEAN PAMPHILE, PUBLIC SCHOOL (P.S.) 189	:	
– THE BILINGUAL CENTER, NEW YORK CITY	:	
DISTRICT #17, NEW YORK CITY DEPARTMENT	:	
OF EDUCATION,	:	
	:	
Defendants.	:	
_____	X	

Plaintiff Auset Love (“Plaintiff” or “Ms. Love”), by and through her undersigned attorneys, as and for her Complaint against the Defendants, alleges that at all times hereinafter mentioned:

**NATURE OF ACTION**

1. This action is brought under the auspices of New York’s *Child Victims Act*.<sup>1</sup> It concerns the repeated acts of sexual abuse and violence committed by a public elementary school employee against Auset Love, who was a student of that school. Ms. Love was a nine year-old girl when the abuse began.

2. Ms. Love asserts state law claims for negligence, sexual abuse of a child by a person of trust, negligent hiring, retention, and supervision, negligent and intentional infliction of emotional distress, assault, and battery. Ms. Love also asserts federal claims for denial and due process violations of her constitutional and civil rights under the United States Constitution and 42 U.S.C. § 1983, as well as violations of Title IX of the *Education Amendments Act* (1972). Ms. Love seeks monetary damages for the injuries she has suffered.

<sup>1</sup> See Rule 214-g of New York Rules of Civil Practice Law & Rules (“CPLR”).

3. The incidents alleged in this Complaint occurred in and around 1983 when Plaintiff was approximately 9 years old and a student at Public School (P.S.) 189 – The Bilingual Center (“PS 189” or “School”).

4. Defendant Jean Pamphile (“Pamphile” or “Defendant Pamphile”), among others, sexually, and otherwise, abused Plaintiff by, on, and around the following locations: (i) on PS 189 property, including within classrooms at the School; and (ii) locations including, but not limited to, Pamphile’s home in the Brooklyn area.

### **PARTIES**

5. Plaintiff Auset Love, previously known as Marie Allemande Francois, was born on June 14, 1974. She resides in Manhattan. At the time of the incidents in question, Plaintiff was a student at P.S. 189.

6. Upon information and belief, Defendant Pamphile was born on December 31, 1939 and resides in Brooklyn, New York. At the time of the incidents in question, Defendant Pamphile was employed by the New York City District #17 and/or New York City Department of Education as a teacher at P.S. 189.

7. Defendant Public School (P.S.) 189 – The Bilingual Center is a public kindergarten, elementary, and middle school, located at 1100 East New York Avenue Brooklyn, New York 11212. Upon information and belief, PS 189 is a public institution that receives federal and state funding and financial assistance, and benefits from federal funding for its educational curriculum and for its operation.

8. Defendant New York City District #17 (hereinafter “NYC District #17” or “NYC – D17”) is a public school district with an office address of 1224 Park Place, Brooklyn, New York 11213.

9. Defendant New York City Department of Education is a municipal entity under the laws of the State of New York located at 52 Chambers Street, New York, New York 10007.

10. Defendants listed above in Paragraphs 7-9, *supra*, are hereinafter collectively referred to as the “District Defendants.”

11. The incidents put forth in this Complaint occurred on the property of District Defendants, including Defendant Pamphile’s classroom at PS 189 (where Plaintiff’s attendance was mandatory) and Defendant Pamphile’s home, where Defendant Pamphile, working as an elementary school instructor, possessed care, control, and unfettered access to minor children.

### **JURISDICTION AND VENUE**

12. By reason of the foregoing, this Court has jurisdiction over the Defendants under Section 301 *et seq.* of the CPLR. This Court further has jurisdiction under 42 U.S.C. § 1983 *et seq.* and Title IX of the *Education Amendments Act* (1972), 20 U.S.C. § 1681 *et seq.*

13. Venue is proper in this county under CPLR § 503(a) because certain Defendants, including PS 189, NYC District #17, and the New York City Department of Education, are located and have their principal place of operation in Kings County. Further, virtually all, if not all, events giving rise to the claims alleged here occurred in Kings County.

### **FACTS**

14. Plaintiff moved to this country from Haiti with her mother when she was 8 years old. At that time, Plaintiff spoke almost no English.

15. Plaintiff was enrolled as a student at PS 189 in or around 1983 and 1984. During those years, she was sexually abused, molested, and harassed by her homeroom elementary school instructor, Defendant Jean Pamphile. She was approximately 9 years old when the abuse began.

16. During his tenure as Plaintiff’s teacher at PS 189, Defendant Pamphile subjected Plaintiff to physical and sexual abuse, starting at the beginning of the school year in or around 1983.

17. Defendant Pamphile kept a plastic baseball bat in his classroom as a disciplinary tool.

When a student in the classroom had not completed his or her homework assignment, Defendant Pamphile would hit the student across the backside of his or her hand, inflicting great pain.

18. While a student in Defendant Pamphile's classroom, Plaintiff was routinely subjected to this form of abuse and experienced significant pain with each instance of physical abuse.

19. At times, a teacher's assistant also worked in Defendant Pamphile's classroom. Defendant Pamphile would verbally abuse this teacher's assistant regularly, causing her to routinely break down into tears.

20. Defendant Pamphile arranged his classroom to facilitate the sexual abuse of his students. Defendant Pamphile had two desks in the classroom, one in the front of the class and one behind a chalkboard at the back of the classroom.

21. While the students would work on assignments, Defendant Pamphile would call individual students to visit him behind the chalkboard as Defendant Pamphile would sit at the desk to review their assignments. Defendant Pamphile would have the students stand immediately next to him.

22. Defendant Pamphile situated Plaintiff to stand next to him while he would review her work. As he reviewed each assignment, Defendant Pamphile would insert his right hand under Plaintiff's skirt, beneath her stockings and underwear, and rub his hand against her vagina.

23. Defendant Pamphile sexually abused Plaintiff in this manner on multiple occasions, several times per week, and each instance of sexual abuse would last between three to five minutes.

24. While touching Plaintiff, Defendant Pamphile would put his face close to hers; Plaintiff recalls the smell of Defendant Pamphile's aftershave, given his close proximity.

25. While touching and sexually abusing Plaintiff, Defendant Pamphile would verbally affirm her, making remarks including but not limited to: "I'm proud of you," and "You did well on your homework."

26. Plaintiff recalls feeling that Defendant Pamphile's behavior was wrong, but, as he was her instructor and held a position of authority, Plaintiff felt that Pamphile commanded her respect, such that there was little Plaintiff felt she could do.

27. Upon information and belief, both prior to and during the sexual abuse of Plaintiff by Defendant Pamphile, District Defendants knew and/or should have known that Defendant Pamphile was a danger to children and/or had a propensity to sexually harass, sexually abuse, and/or physically abuse children.

28. Plaintiff began intentionally performing poorly on her homework assignments, hoping that her poor performance would keep Defendant Pamphile from touching her vagina while affirming her.

29. Instead, Defendant Pamphile's sexual abuse continued, but it was subsequently accompanied by physical abuse with the plastic bat against the back of Plaintiff's hand.

30. Defendant Pamphile's sexual and physical abuse of Plaintiff occurred throughout the school year. Defendant Pamphile would continue his abuse of Plaintiff during the colder months of year, despite the layers of clothing that Defendant Pamphile would need to move aside to directly access Plaintiff's vagina.

31. Plaintiff was then sent to Defendant Pamphile's home for extra tutoring on multiple occasions with several other students throughout the year.

32. Plaintiff was routinely the last student to leave Defendant Pamphile's home.

33. While waiting for Plaintiff's mother to pick her up from Defendant Pamphile's home, Defendant Pamphile would situate Plaintiff on the couch to watch television. Defendant Pamphile would place Plaintiff on his lap, insert his hand beneath her skirt, stockings, and underwear, and proceed to rub her vagina.

34. Upon information and belief, District Defendants knew or should have known that Plaintiff and other minor students were at risk for abuse during the extra tutoring at the home of Defendant Pamphile, but District Defendants did not supervise Pamphile or protect the children, including Plaintiff.

35. Plaintiff visited Defendant Pamphile's house at least twenty times. On no fewer than half of these visits, Defendant Pamphile subjected Plaintiff to sexual abuse, molestation, and harassment, including, but not limited to, fondling of Plaintiff's body and vagina.

36. Plaintiff rarely spoke about Defendant Pamphile's misconduct, fearful that its acknowledgment would subject her to further sexual and physical abuse. Plaintiff once informed her mother that Defendant Pamphile had given her a massage in the classroom. Plaintiff's mother became upset.

37. In or around 1990, when Plaintiff was approximately 15 or 16 years old, Plaintiff and her mother did not have a place to live, and New York's Child Protective Services took Plaintiff into foster care. During a session of peer group therapy at Junior Richmond High School in or around 1991, the teacher asked if anyone had ever been physically or sexually abused. Plaintiff disclosed her abuse by Defendant Pamphile to the group. The instructor called Plaintiff's group home and social worker. Plaintiff's social worker took Plaintiff to the 67th Precinct, roughly two weeks later. Although Plaintiff was approximately 17 years old, the police never spoke to Plaintiff. All questions were directed to her social worker, and the police never contacted Plaintiff again.

38. To the best of Plaintiff's knowledge, Defendant Pamphile was never disciplined by District Defendants, nor was he arrested.

39. District Defendants held out its teachers as people of high morals, possessing significant power over the education and development of young children.

40. Consequently, the instructors at District Defendants occupied positions of great trust, allegiance, and respect from among members of District Defendants' student body.

41. District Defendants affirmatively or implicitly represented to minor children under its control and their families, including Plaintiff, that instructors working within District Defendants, including at PS 189, were safe to work with children and/or did not possess a history of sexually assaulting, molesting, or harassing children.

42. Despite having actual knowledge and/or notice of sexual and/or physical abuse by Defendant Pamphile (including within Defendant Pamphile's classroom), no employee, agent, or representative of District Defendants ever reached out to discover the extent of Plaintiff's abuse, how it had occurred, and who within the District Defendants' employ knew about Defendant Pamphile's prior or contemporaneous acts of abuse.

43. Furthermore, Plaintiff alleges, upon information and belief, that District Defendants took no action to prevent Defendant Pamphile from having access to children, prior to, during, or after Defendant Pamphile's abuse of Plaintiff.

44. To this end, District Defendants aided and abetted Defendant Pamphile in his efforts to capitalize upon his unfettered access to minor students to gratify his prurient desires.

45. As a direct result of the conduct of Defendants described herein, Plaintiff was prevented and will continue to be prevented from performing many normal daily activities and achieving full enjoyment of her life. Defendants' sexual abuse, molestation, and harassment of Plaintiff,

and/or their implicit role therein, has caused her considerable emotional distress, including but not limited to: depression, anxiety, and sleeplessness. Within a few years of Defendant's sexual and physical abuse of Plaintiff, Plaintiff became suicidal, cutting herself in or around age 13 and moving to a group home to help treat her suicidal ideation. Plaintiff continued her self-harm until Plaintiff became pregnant in high school, and once thereafter. To this day, Plaintiff is uncomfortable with men, and never formed a healthy relationship with her mother. Plaintiff has never married, and she regularly struggles with her religious faith due to her abuse.

46. The injuries impacted upon her through Defendants' actions continue to incur expenses for mental health treatment, counseling, and therapy. Furthermore, Plaintiff's injuries resulted in her dropping out of high school. Based on information and belief, Plaintiff has and will continue to incur loss of income as well as loss of earning capacity.

### **CAUSES OF ACTION**

#### **COUNT 1**

#### **NEGLIGENCE**

#### **CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY**

#### **(Against all Defendants)**

47. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 46 above with the same force and effect as if more fully set forth here, and further alleges:

48. At all relevant times alleged herein, and during his employment, Defendant Pamphile was an employee of District Defendants. He was given access to Plaintiff during the course and scope of his duties, when his employer knew or should have known that Defendant Pamphile presented an unreasonable risk of harm to minor students.

49. Defendant Pamphile's isolation of children within his classroom behind a chalkboard and repeated off-campus "tutoring sessions" with Plaintiff constituted "red flags" that went unheeded. But for the negligence of District Defendants, Defendant Pamphile's actions went unchecked as he continued to molest and abuse Plaintiff in 1983 and 1984.



50. All Defendants had a non-delegable duty to protect their minor students, like Plaintiff, from unwanted sexual contact, sexual abuse, and the associated trauma resulting therefrom. Here, Defendants failed to take any reasonable steps to ensure the safety of their students, and Plaintiff in particular.

51. District Defendants, by and through their agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known of Defendant Pamphile's dangerous and exploitative propensities and/or that Defendant Pamphile was an unfit agent because of his sexual interest in children.

52. It was reasonably foreseeable that if District Defendants did not adequately exercise or provide the duty of care owed to children in its control and care, including but not limited to Plaintiff, the children who were entrusted to their care would be vulnerable to sexual abuse by District Defendants' agents, servants, and/or employees, including Defendant Pamphile.

53. District Defendants each breached the duty of care owed to the minor Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of its employees or personnel, including Defendant Pamphile.

54. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. She was prevented, and will continue to be prevented, from performing her daily activities and obtaining the full enjoyment of life. She has sustained, and will continue to sustain, loss of earnings and earning capacity. She has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

**COUNT II**  
**NEGLIGENCE – HIRING/RETENTION**  
**(Against District Defendants)**

55. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 54 above with the same force and effect as if more fully set forth here, and further alleges:

56. District Defendants each had a duty to protect Plaintiff when she was entrusted to their care by Plaintiff's parents. Consequently, District Defendants owed Plaintiff, in addition to a duty of ordinary care, the higher duty of care for adults supervising children within their care and control. At minimum, the District Defendants owed Plaintiff a duty to be protected from harm inflicted by Defendant Pamphile, when Plaintiff received educational services from the District Defendants.

57. District Defendants, by and through their agents, servants, and/or employees, had actual knowledge, knew, or reasonably should have known of Defendant Pamphile's dangerous and exploitative propensities and/or that Defendant Pamphile was an unfit agent because of his sexual interest in children. It was reasonably foreseeable that if the District Defendants did not adequately exercise or provide the duty of care owed to children in their control and care, including but not limited to Plaintiff, they would be vulnerable to sexual abuse by District Defendants' agents, servants, and/or employees, including Defendant Pamphile.

58. Each District Defendant breached its duty of care owed to Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of its respective employees or personnel, including Defendant Pamphile.

59. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. She was prevented, and will continue to be prevented, from performing daily activities and obtaining the full enjoyment of life. She has sustained, and will continue to sustain, loss of earnings and earning capacity. She has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

**COUNT III**  
**NEGLIGENT SUPERVISION**  
**(Against District Defendants)**

60. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 59 above with the same force and effect as if more fully set forth here, and further alleges:

61. District Defendants had a duty to provide reasonable supervision of their employee and agent, Defendant Pamphile, when he interacted with minor students. District Defendants also had a duty to follow up on any reports of misconduct.

62. It was reasonably foreseeable that those employees and agents of District Defendants with a sexual interest in children, including Defendant Pamphile, would act upon these interests and sexually abuse children, including the Plaintiff, unless properly supervised.

63. District Defendants, by and through each entity's respective agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known, of Defendant Pamphile's dangerous and exploitative propensities and/or that Pamphile was an unfit agent, due to his sexual interest in children.

64. Despite such knowledge, District Defendants each breached their duty to provide reasonable supervision of Pamphile. These failures enabled Defendant Pamphile, who was routinely in a position of ready access to children, to sexually abuse Plaintiff.

65. At all times relevant hereto, including, but not limited to, during the sexual abuse of minor students, Defendant Pamphile was acting in the course and scope of his employment with District Defendants as their agent, apparent agent, servant and/or employee.

66. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. She was prevented, and will continue to be prevented, from performing daily activities and obtaining the full enjoyment of life. She has sustained, and will continue to sustain, loss of earnings and earning capacity. She has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

**COUNT IV**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**(Against All Defendants)**

67. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 66 above with the same force and effect as if more fully set forth here, and further alleges:

68. By employing Defendant Pamphile, by choosing to place Defendant Pamphile in a position wherein he could work unsupervised and with close proximity to children, and by allowing Defendant Pamphile access to numerous children, Defendants caused Plaintiff to be sexually abused. District Defendants acted with extreme and outrageous conduct, which intentionally and/or recklessly caused severe emotional distress and bodily harm to Plaintiff.

69. Defendant Pamphile, in his sexual grooming and abuse of Plaintiff, acted with extreme and outrageous conduct that would shock the conscious of a reasonable person, when he repeatedly and brutally sexually abused a minor who was one of his students. This conduct was atrocious and transcended all bounds of decency, such that this conduct would be utterly intolerable in a civilized society.

70. Plaintiff suffered severe emotional distress, including severe mental anguish, due to Defendants' intentional and/or reckless, extreme, and/or outrageous conduct.

**COUNT V**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**  
**(In the Alternative to Count IV, Against District Defendants)**

71. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 70 above with the same force and effect as if more fully set forth here, and further alleges:

72. By employing Defendant Pamphile, by choosing to place Defendant Pamphile in a position wherein he could work unsupervised and with close proximity to children, and by allowing Defendant Pamphile access to numerous children, Defendants caused Plaintiff to be sexually abused. District Defendants negligently placed Plaintiff in danger of bodily harm and caused Plaintiff to suffer extreme physical injury and emotional distress as a result.

73. District Defendants' repeated failures of employing, and continuing to employ, Defendant Pamphile, holding out their premises as a safe environment for children, despite having reason to

know of the potential dangers to children therein, subjected Plaintiff to sexual abuse and harassment at the hands of Defendant Pamphile.

74. By employing Defendant Pamphile to work unsupervised with children and/or allowing him to instruct minor students at his home, District Defendants subjected Plaintiff to sexual abuse and harassment at the hands of Defendant Pamphile by allowing him to have ready, unfettered access to minor students, including Plaintiff, to gratify his prurient desires.

75. Plaintiff suffered severe emotional distress, including severe mental anguish and physical injury, due to District Defendants' negligence and extreme recklessness.

**COUNT VI  
INTENTIONAL MISREPRESENTATION  
(Against District Defendants)**

76. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 75 above with the same force and effect as if more fully set forth here, and further alleges:

77. Upon information and belief, District Defendants each affirmatively represented to Plaintiff and her family that their campus, facilities, and programs were safe environments for children.

78. Upon information and belief, District Defendants each affirmatively represented to Plaintiff and her family that they had sufficient policies and procedures in place to ensure that children were safe in their facilities and District.

79. Upon information and belief, District Defendants affirmatively represented to Plaintiff and her family that Defendant Pamphile did not have a history of abusing, harassing, and/or molesting children, that District Defendants did not know or suspect Pamphile had a history of molesting children and/or that District Defendants did not know that Pamphile was a danger to children.

80. Each representation was material and false.

81. In addition to the representation made directly to Plaintiff and her parents, District Defendants, through their officials, made these representations with knowledge and intent that they would be communicated to the Plaintiffs through their parents/caregivers' words and actions.

District Defendants also had reason to believe that the representations would influence the amount and type of time spent in close proximity with Defendant Pamphile in his classroom, Pamphile's access to Plaintiffs, and Pamphile's ability to molest Plaintiff.

82. Based on information and belief, Defendant Pamphile had a history of molesting children, and was openly and notoriously grooming and abusing Plaintiff during the relevant timeframe. District Defendants should have known that Pamphile had a history of sexually molesting children and/or that he posed an obvious and ongoing danger to children, specifically Plaintiff.

83. Plaintiff and her family justifiably relied upon District Defendants' misrepresentations, which caused Plaintiff to suffer harassment, molestation, and sexual abuse by Pamphile, as well as suffer other damages described herein.

**COUNT VII**  
**VIOLATIONS OF TITLE IX (20 U.S.C. §1681(a), *et seq.*)**  
**(Against District Defendants)**

84. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 83 above with the same force and effect as if more fully set forth here, and further alleges:

85. Plaintiff is a "person" under Title IX's statutory language.

86. District Defendants, based upon information and belief, receive federal financial assistance for their education program and are therefore subject to the provisions of Title IX of the Education Act of 1972, 20 U.S.C. § 1681(a), *et seq.*

87. District Defendants were required under Title IX to investigate allegations of sexual assault, sexual abuse, and sexual harassment.

88. The U.S. Department of Education's Office of Civil Rights has explained that Title IX covers all programs of a school, and Title IX extends to sexual harassment and assault by employees, students, and third parties.

89. Defendant Pamphile's conduct and actions toward Plaintiff, that being sexual fondling of a minor, constitutes sex discrimination under Title IX.

90. Defendant Pamphile's grooming, physical abuse, and molestation of his minor students was an 'open secret' among District Defendants during the relevant time frame. These warning signs, as well as Defendant Pamphile's isolation of children within his classroom behind a chalkboard, and repeated off-campus tutoring sessions are precisely the kind of 'red flag' behaviors that trigger a duty to investigate under Title IX.

91. There is no indication that District Defendants ever conducted any investigation or took any action to comply with this statutory duty while Plaintiff was being abused.

92. District Defendants acted with deliberate indifference. Their lack of response to the allegations of sexual assault, abuse, and molestation were clearly unreasonable in light of the known circumstances: Defendant Pamphile's actions with and against minor students, and Defendant Pamphile's continued access to minor students.

93. District Defendants' failure to promptly and appropriately investigate, remedy, and/or respond to sexual abuse, harassment, and molestation, despite having received notice, subjected Plaintiff to further harassment and a sexually hostile environment, effectively denying her access to effective educational services.

94. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. She was prevented, and will continue to be prevented, from performing daily activities and obtaining the full enjoyment of life. She has sustained, and will continue to sustain, loss of earnings and earning capacity. She has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

**COUNT VIII**  
**VIOLATIONS OF 42 U.S.C. § 1983**  
**(Against the District Defendants)**

95. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 94 above with the same force and effect as if more fully set forth here, and further alleges:

96. At all times material hereto, the District Defendants' agents were acting under the color of state law and participated in, authorized, ratified, approved, and/or sanctioned the violations of clearly established federal constitutional rights of which any reasonable official would have known. The District Defendants failed to train, supervise, discipline, or adequately screen its employees; these failures showed a deliberate indifference to Plaintiff's constitutional rights. The constitutional deprivations described herein are fairly attributable to the individual Defendants.

97. District Defendants failed to investigate, and/or prevent the abuse of Plaintiff by Defendant Wade, and failed to intercede during the period of his physical abuse, even though they had a reasonable opportunity and legal duty to do so. Their actions were egregious and reckless and were driven by a reckless and callous indifference to Plaintiff's rights.

98. District Defendants deprived Plaintiff of her civil rights while acting under color of state law in violation of the 5th and 14th Amendment to the United States Constitution by denying her substantive due process and equal protection under 42 U.S.C. § 1983, *et seq.*

99. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. She was prevented, and will continue to be prevented, from performing her daily activities and obtaining the full enjoyment of life. She has sustained, and will continue to sustain, loss of earnings and earning capacity. She has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

**COUNT IX**  
**ASSAULT**  
**(Against Defendant Pamphile)**

100. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 99 above with the same force and effect as if more fully set forth here, and further alleges:



101. Defendant Pamphile's physical molestation and abuse of Plaintiff was entirely unjustified and constitutes intentional assault upon Plaintiff.

102. Defendant Pamphile, by his conduct, placed Plaintiff in fear of imminent harm and offensive conduct.

**COUNT X  
BATTERY  
(Against Defendant Pamphile)**

103. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 102 above with the same force and effect as if more fully set forth here, and further alleges:

104. Battery is the intentional wrongful physical contact with another person without consent.

105. Defendant Pamphile's intentional physical molestation and abuse of Plaintiff was entirely unjustified, done without Plaintiff's consent, and constituted battery upon Plaintiff.

WHEREFORE, Plaintiff Auset Love respectfully requests that the Court enter judgment in her favor against Defendants, and issue an order containing the following relief:

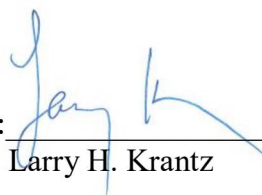
- (a) Compensatory and punitive damages against each Defendant, jointly and severally, together with interest and costs of suit and in excess of any jurisdictional amount requiring compulsory jurisdiction, or arbitration.
- (b) An order awarding Plaintiff's attorneys' fees and costs.
- (c) Such other and further relief as the Court may deem just and proper.

DATED: August 14, 2019

MANLY, STEWART & FINALDI

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